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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/656,208

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Martin Fischer

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EXAMINER

MORRISON, JAY A

ART UNIT

PAPER NUMBER

2168

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/656,208	<b>Applicant(s)</b> FISCHER ET AL.	
	<b>Examiner</b> Jay A. Morrison	<b>Art Unit</b> 2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 September 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/17/07 has been entered.

### ***Remarks***

2. Claims 1-28 are pending.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

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were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1,3,5,8,10,12,15,17,19,27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teng et al. ('Teng' hereinafter) (Patent Number 6,944,615) in view of Josten et al. ('Josten' hereinafter) (Patent Number 5,761,660).

As per claim 1, Teng teaches

A computer implemented method for controlling access to a data object stored in a non-volatile memory, the data object having an identifier (ID), the method comprising:  
(see abstract and background)

checking, before accessing the data object, whether the ID is contained in a lock object and the ID is associated with a storage location (column 3, lines 32-45);

and accessing the data object, if the ID is not contained in the lock object or if the ID is not yet associated with a storage location (if no X-lock, column 3, lines 32-45);

Teng does not explicitly indicate "determining whether a transactional lock has been successfully set on the data object; determining whether a permanent lock has been set on the data object based on whether a transactional lock has been

successfully set on the data object; and granting read/write access to the data object based on the permanent lock not being set on the data object.”

However, Josten discloses “determining whether a transactional lock has been successfully set on the data object; determining whether a permanent lock has been set on the data object based on whether a transactional lock has been successfully set on the data object; and granting read/write access to the data object based on the permanent lock not being set on the data object.” (column 11, lines 32-54).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Teng and Josten because using the steps of “determining whether a transactional lock has been successfully set on the data object; determining whether a permanent lock has been set on the data object based on whether a transactional lock has been successfully set on the data object; and granting read/write access to the data object based on the permanent lock not being set on the data object” would have given those skilled in the art the tools to improve the invention by maintaining and managing global locking. This gives the user the advantage of being able to safely access objects across networks.

As per claim 3, Teng teaches

the lock object comprises a table, having a column for the ID and a column for a link to the storage location associated with the ID (column 7, lines 36-48; lock table, figure 4(b)).

As per claim 5, Teng teaches

the data object comprises one or more fields of one or more tables and wherein the ID comprises one or more key fields of the one or more tables (column 2, lines 24-34).

As per claim 8, Teng teaches

This claim is rejected on grounds corresponding to the arguments given above for rejected claim 1 and is similarly rejected.

As per claim 10, Teng teaches

This claim is rejected on grounds corresponding to the arguments given above for rejected claim 3 and is similarly rejected.

As per claim 12, Teng teaches

This claim is rejected on grounds corresponding to the arguments given above for rejected claim 5 and is similarly rejected.

As per claim 15, Teng teaches

This claim is rejected on grounds corresponding to the arguments given above for rejected claim 1 and is similarly rejected.

As per claim 17, Teng teaches

This claim is rejected on grounds corresponding to the arguments given above for rejected claim 3 and is similarly rejected.

As per claim 19, Teng teaches

This claim is rejected on grounds corresponding to the arguments given above for rejected claim 5 and is similarly rejected.

As per claim 27, Teng teaches

A computer-implemented method for controlling access to a data object having an identifier (ID), the method comprising: (see abstract and background)

selecting the data object having the ID; (column 3, lines 32-45)

determining whether a transactional lock has been successfully set on the data object; (column 3, lines 32-45)

and deleting the transactional lock. (column 9, lines 7-9)

Teng does not explicitly indicate "determining whether a permanent lock has been set on the data object based on the transactional lock being successfully set on the data object; granting read/write access to the data object based on the permanent lock not being set on the data object".

However, Josten discloses "determining whether a permanent lock has been set on the data object based on the transactional lock being successfully set on the data object; granting read/write access to the data object based on the permanent lock not being set on the data object" (column 11, lines 32-54).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Teng and Josten because using the steps of "determining whether a permanent lock has been set on the data object based on the transactional lock being successfully set on the data object; granting read/write access to the data object based on the permanent lock not being set on the data object" would have given those skilled in the art the tools to improve the invention by maintaining and managing global locking. This gives the user the advantage of being able to safely access objects across networks.

As per claim 28, Teng teaches

A computer-implemented method for controlling access to a data object having an identifier (ID), the method comprising: (see abstract and background)

selecting the data object; (column 3, lines 32-45)

Teng does not explicitly indicate "checking, before accessing the data object, whether the ID is contained in a permanent lock object; archiving the data object if the data object's ID is contained in the permanent lock object; granting access to the data object if the ID is not contained in the permanent lock object."

However, Josten discloses "checking, before accessing the data object, whether the ID is contained in a permanent lock object; archiving the data object if the data object's ID is contained in the permanent lock object; granting access to the data object if the ID is not contained in the permanent lock object" (column 11, lines 32-54).



It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Teng and Josten because using the steps of “checking, before accessing the data object, whether the ID is contained in a permanent lock object; archiving the data object if the data object’s ID is contained in the permanent lock object; granting access to the data object if the ID is not contained in the permanent lock object” would have given those skilled in the art the tools to improve the invention by maintaining and managing global locking. This gives the user the advantage of being able to safely access objects across networks.

4. Claims 6-7,13-14,20-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teng et al. (‘Teng’ hereinafter) (Patent Number 6,944,615) in view of Josten et al. (‘Josten’ hereinafter) (Patent Number 5,761,660) and further in view of Bamford et al. (‘Bamford’ hereinafter) (Patent Number 6,507,853).

As per claim 6, Teng teaches  
the ID (column 3, lines 32-45).

Neither Teng nor Josten explicitly indicate “before performing the check, storing ... in a second lock object, which is stored in a volatile storage means.”

However, Bamford discloses “before performing the check, storing ... in a second lock object, which is stored in a volatile storage means” (W lock, column 5, lines 51-61).

It would have been obvious to one of ordinary skill in the art to combine Teng, Josten and Bamford because using the steps of “before performing the check, storing

... in a second lock object, which is stored in a volatile storage means" would have given those skilled in the art the tools to make sure a desired resource is locked in the appropriate mode. This gives the user the advantage of being able to obtain secondary or destination locks for safely moving data.

As per claim 7,

Neither Teng nor Josten explicitly indicate "checking, whether the ID has been successfully stored in the second lock object before accessing the data object and, if the ID has not been successfully stored in the second lock object, not accessing the data object".

However, Bamford discloses "checking, whether the ID has been successfully stored in the second lock object before accessing the data object and, if the ID has not been successfully stored in the second lock object, not accessing the data object" (column 5, lines 51-61).

It would have been obvious to one of ordinary skill in the art to combine Teng, Josten and Bamford because using the steps of "checking, whether the ID has been successfully stored in the second lock object before accessing the data object and, if the ID has not been successfully stored in the second lock object, not accessing the data object" would have given those skilled in the art the tools to make sure a desired resource is locked in the appropriate mode. This gives the user the advantage of being able to obtain secondary or destination locks for safely moving data.

As per claims 13-14,

These claims are rejected on grounds corresponding to the arguments given above for rejected claims 6-7 and are similarly rejected.

As per claims 20-21,

These claims are rejected on grounds corresponding to the arguments given above for rejected claims 6-7 and are similarly rejected.

As per claim 22, Teng teaches

A memory for storing data for access by a process being executed by a processor, the memory comprising: (see abstract and background)

a structure for controlling access to a data object having an identifier (ID), the structure comprising a first lock object, storing the ID object of the data object and a link to a storage location where the data object is stored (column 7, lines 36-48; lock table, figure 4(b)),

storing the ID of the data object (column 7, lines 36-48; lock table, figure 4(b));

Teng does not explicitly indicate "instructions for: determining whether a transactional lock has been successfully set on the data object; determining whether a permanent lock has been set on the data object based on whether a transactional lock has been successfully set on the data object; and granting read/write access to the data object based on the permanent lock not being set on the data object."

However, Josten discloses "instructions for: determining whether a transactional lock has been successfully set on the data object; determining whether a permanent lock has been set on the data object based on whether a transactional lock has been successfully set on the data object; and granting read/write access to the data object based on the permanent lock not being set on the data object" (column 11, lines 32-54).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Teng and Josten because using the steps of "instructions for: determining whether a transactional lock has been successfully set on the data object; determining whether a permanent lock has been set on the data object based on whether a transactional lock has been successfully set on the data object; and granting read/write access to the data object based on the permanent lock not being set on the data object" would have given those skilled in the art the tools to improve the invention by maintaining and managing global locking. This gives the user the advantage of being able to safely access objects across networks.

Neither Teng nor Josten explicitly indicate "and a second lock".

However Bamford discloses "and a second lock object" (W lock, column 5, lines 51-61).

It would have been obvious to one of ordinary skill in the art to combine Teng, Josten and Bamford because using the steps of "and a second lock object" would have given those skilled in the art the tools to make sure a desired resource is locked in the appropriate mode. This gives the user the advantage of being able to obtain secondary or destination locks for safely moving data.

As per claims 23,

This claim is rejected on grounds corresponding to the arguments given above for rejected claim 3 and is similarly rejected.

As per claims 24,

This claim is rejected on grounds corresponding to the arguments given above for rejected claim 5 and is similarly rejected.

As per claims 25,

This claim is rejected on grounds corresponding to the arguments given above for rejected claim 5 and is similarly rejected.

As per claim 26, Teng teaches

the first and second lock objects are created by a data moving or data archiving process (column 5, lines 51-61).

5. Claims 2,4,9,11,16,18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teng et al. ('Teng' hereinafter) (Patent Number 6,944,615) in view of Josten et al. ('Josten' hereinafter) (Patent Number 5,761,660) and further in view of Bamford et al. ('Bamford' hereinafter) (Patent Number 6,507,853) and further in view of Daynes (Patent Number 6,772,255).

As per claim 2,

Neither Teng, Josten nor Bamford explicitly indicate "deleting the ID from the second lock object, if the ID is not yet associated with a storage location".

However, Daynes discloses "deleting the ID from the second lock object, if the ID is not yet associated with a storage location" (remove unused lock states, column 11, lines 1-10).

It would have been obvious to one of ordinary skill in the art to combine Teng, Josten, Bamford and Daynes because using the steps of "deleting the ID from the second lock object, if the ID is not yet associated with a storage location" would have given those skilled in the art the tools to administer locking and unlocking resources. This gives the user the advantage of making sure that unused locks are cleared.

As per claim 4,

This claim is rejected on grounds corresponding to the arguments given above for rejected claim 3 and is similarly rejected.

As per claim 9,

This claim is rejected on grounds corresponding to the arguments given above for rejected claim 2 and is similarly rejected.

As per claim 11,

This claim is rejected on grounds corresponding to the arguments given above for rejected claim 3 and is similarly rejected.

As per claim 16,

This claim is rejected on grounds corresponding to the arguments given above for rejected claim 2 and is similarly rejected.

As per claim 18,

This claim is rejected on grounds corresponding to the arguments given above for rejected claim 3 and is similarly rejected.

### ***Response to Arguments***

6. Applicant's arguments filed 5/17/07 have been fully considered but they are not persuasive.

With regards to Applicant's argument that Josten does not disclose "granting read/write access to the data object based on the permanent lock not being set on the data object", it is noted that Josten discloses that the limitation is in fact taught in certain modes (column 10, lines 5-15; column 11, lines 32-54), and since the mode is not relied upon the relevant parts of the limitation is taught. Therefore Josten discloses the limitation.

### ***Conclusion***

7. The prior art made of record, listed on form PTO-892, and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jay A. Morrison whose telephone number is (571) 272-7112. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached on (571) 272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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